

## **2005 DRAFTING REQUEST**

### **Bill**

Received: **03/31/2005**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Steve Wieckert (608) 266-3070**

By/Representing: **Scott**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Wieckert@legis.state.wi.us**

Carbon copy (CC:) to:

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### **Pre Topic:**

No specific pre topic given

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### **Topic:**

Restraining orders

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### **Instructions:**

see attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 03/31/2005	jdyer 03/31/2005		_____			Local
/1			rschluet 03/31/2005	_____	lemery 03/31/2005	lnorthro 06/14/2005	

FE Sent For: **04/07/2005, , , .**

**<END>**

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04-07-2005  
(7/1")  
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FE Sent For:

<END>

- **Adopt Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), replacing the Uniform Child Custody Jurisdiction Act (UCCJA).**

The Uniform Child Custody Jurisdiction Act (UCCJA), approved by the Uniform Law Commissioners (ULC) in 1968 and the law in every state, was completely revised in 1997. Wisconsin adopted the UCCJA in 1973. The new act, the Uniform Child Custody Jurisdiction and Enforcement Act, goes much further than simply updating the UCCJA. It also contains provisions on the enforcement of custody orders, an issue the original UCCJA did not address, and it eliminates differences between the uniform act and the federal Parental Kidnapping Prevention Act. The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) includes enhanced provisions for custody determinations, including clarification of provisions for emergency jurisdiction in cases involving abuse. Additionally, the UCCJEA includes new enforcement remedies and increases uniformity between the states. Already more than 30 states have adopted the UCCJEA since its introduction in 1997.

- **Support anti-discrimination laws for victims of domestic violence, sexual assault and stalking in housing.**

In many communities in Wisconsin, victims of domestic violence are informed by their landlords that they will suffer eviction if police are required to respond to their residence. Victims across the state are discriminated against because they suffer victimization. Domestic violence is currently the single largest cause of homelessness among women with dependent children. WCADV will support initiatives that bar discriminatory housing practices that target victims of domestic violence, sexual assault, stalking and their children.

- **Revisions to Wisconsin restraining orders to increase consistency between domestic abuse and harassment orders.**

In the 2001-02 session, legislation modifying the length of time that a domestic abuse temporary restraining order (TRO) and injunction could be issued was increased to 14 days for a TRO and up to 4 years for an injunction. Since that time, a number of communities have noted that the problems that led to the change in domestic abuse orders (i.e., difficulties in serving respondents within the 7-day TRO period) remain for harassment orders. WCADV will work with the legislature to bring consistency in the time periods between domestic abuse and harassment orders.

2609/1  
stays

## 2005 BILL

Regen

- 1 AN ACT *to amend* 813.122 (4) (c) and 813.125 (3) (c) of the statutes; **relating to:**  
2 time for service of court documents in child abuse and harassment injunction  
3 cases.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, in actions to obtain a restraining order and injunction against child abuse or harassment, the judge is required to hold the hearing on the request for an injunction within seven days after the temporary restraining order is issued unless the time is extended with consent of the parties or extended for an additional seven days upon a finding that the person who is the subject of the restraining order has not been served with a copy of the restraining order although the petitioner has exercised due diligent in attempting to serve the order.

This bill changes those seven-day periods to 14 days.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 4 SECTION 1. 813.122 (4) (c) of the statutes is amended to read:  
5 813.122 (4) (c) The temporary restraining order is in effect until a hearing is  
6 held on issuance of an injunction under sub. (5). A judge shall hold a hearing on

**BILL****SECTION 1**

1 issuance of an injunction within 7 14 days after the temporary restraining order is  
2 issued, unless the time is extended upon the written consent of the parties or  
3 extended once for 7 14 days upon a finding that the respondent has not been served  
4 with a copy of the temporary restraining order although the petitioner has exercised  
5 due diligence.

6 **SECTION 2.** 813.125<sup>X</sup> (3) (c) of the statutes is amended to read:

7 813.125 (3) (c) The temporary restraining order is in effect until a hearing is  
8 held on issuance of an injunction under sub. (4). A judge or circuit court  
9 commissioner shall hold a hearing on issuance of an injunction within 7 14 days after  
10 the temporary restraining order is issued, unless the time is extended upon the  
11 written consent of the parties or extended once for 7 14 days upon a finding that the  
12 respondent has not been served with a copy of the temporary restraining order  
13 although the petitioner has exercised due diligence.

14 (END)

## Barman, Mike

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**From:** LRB.Legal  
**Sent:** Thursday, April 07, 2005 11:59 AM  
**To:** Barman, Mike  
**Subject:** FW: fiscal estimate on LRB 2607 and LRB 2593

-----Original Message-----

**From:** Becher, Scott  
**Sent:** Thursday, April 07, 2005 11:52 AM  
**To:** LRB.Legal  
**Subject:** fiscal estimate on LRB 2607 and LRB 2593

I am requesting a fiscal estimate on LRB 2607 and LRB 2593.

**Northrop, Lori**

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**From:** Krieser, Steve  
**Sent:** Tuesday, June 14, 2005 4:22 PM  
**To:** LRB.Legal  
**Cc:** Becher, Scott  
**Subject:** Bill Jacketing  
  
**Importance:** High

Can you jacket LRB 2607, 2350, and 2547 for introduction in the Assembly, please? Thanks!

**Steven Krieser**  
*Office of State Representative Steve Wieckert*  
(608) 266-3070



# Memo

To: Senator ☐ Representative ☒

Wickert

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2005 draft.

LRB Number: LRB -2607

Version: " 1 / 1 "

Fiscal Estimate Prepared By: (agency abbr.) DA

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 4 / 7 / 2005

\* \* \* \* \*

To: LRB – Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2005

AB 592

## Emery, Lynn

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**From:** Emery, Lynn  
**Sent:** Thursday, April 07, 2005 3:08 PM  
**To:** Rep. Wieckert  
**Cc:** Becher, Scott  
**Subject:** LRB 05-2607/1 (FE by DA - attached - for your review)



05-2607feDA.PDF

Lynn Emery  
Program Assistant  
Legislative Reference Bureau  
608-266-3561  
lynn.emery@legis.state.wi.us

# Memo

To: Senator ☐

Representative ☒

Wieckert

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2005 draft.

LRB Number: LRB - 2607

Version: " / 1 "

Fiscal Estimate Prepared By: (agency abbr.) SPD

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 4 / 14 / 2005

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To: LRB – Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

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THIS DRAFT WAS INTRODUCED AS: 2005

AB 592

## Emery, Lynn

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**From:** Emery, Lynn  
**Sent:** Thursday, April 14, 2005 12:50 PM  
**To:** Rep.Wieckert  
**Cc:** Becher, Scott  
**Subject:** LRB 05-2607/1 (FE by SPD - attached - for your review)



05-2607feSPD.PDF

Lynn Emery  
Program Assistant  
Legislative Reference Bureau  
608-266-3561  
lynn.emery@legis.state.wi.us